

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 06-00-0013758

Theresa Delgatti
3600 Harbor Valley Court
Nashville, TN 37214-5222

9 Stable Gate Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on October 29, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-201, failure to eliminate an accumulation of stagnant water in pool on residential property known as 9 Stable Gate Court, 21128.

On September 17, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Brian Flynn issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$16,600.00 (sixteen thousand six hundred dollars)

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 26, 2009 requesting abatement of stagnant water in swimming pool. This Citation was issued on September 17, 2009.

B. Notes in the file state that stagnant water was observed by Inspector Bryan Flynn in an in-ground pool on this residential property. The property appears vacant. Court records show the property is in foreclosure proceedings.

C. County law requires property owners to maintain the property in a clean and sanitary condition, free from infestation. BCC 35-5-302. A person may not keep, collect, use, or allow to remain on the person's premises, nauseous liquid, stagnant water, or other offensive matter. BCC 13-7-201. Stagnant water breeds mosquitoes and is a public health hazard. The County will therefore be authorized to enter the property to correct the violation, at the property owner's expense, as authorized by BCC Article 3, Title 6.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of abating the violation, including removing the stagnant water and/or treating the water to abate infestation or contamination, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf